IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14355 of 2005

Between:

Prof.K.Dasharadha Reddy, S/o.K.Lakshma Reddy,
R/o.301,South Block, My Home Glory Apartments, Masabtank, Hyderabad.

..... PETITIONER

AND

The Registrar, Jawaharlal Nehru Technology University, Kukatpally,

Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order direction more particularly one in the nature of writ of mandamus, declaring the order dt.30-06-2005 issued by the respondent as illegal, arbitrary and void and set aside the order dt. 30-06-2005 and pass such other order or orders.

Counsel for the Petitioner: MR.S.CHAKRAPANI

Counsel for the Respondent: MR.K.RATHANGA PANI REDDY

The Court made the following :

O R D E R:

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This writ petition is filed by the petitioner aggrieved by the impugned order, dated 30.06.2005, passed by the respondent under which the petitioner was dismissed from service.

2. According to the petitioner, one of the allegations made against him is that he has submitted a fake certificate while getting into the service of the respondent University. Therefore, proceedings were initiated and in the course of the proceedings a show cause notice was issued proposing to take action and directing the petitioner to submit his explanation as to why disciplinary action should not be taken against him. At that stage, it is stated that the petitioner sought for furnishing a copy of the document, which is stated to be a fake certificate produced by him. But, however, according to the petitioner, the respondent did not furnish any such copy, but passed the impugned order thereby denying and depriving an opportunity to the petitioner and violating the principles of natural justice.

3. When the matter came up for hearing on 04.07.2005 this was put to the learned Standing Counsel appearing for the respondent, who has fairly conceded that a copy of the document, stated to be a fake one, was not provided to the petitioner. Therefore, this Court was inclined to set aside the impugned order for not furnishing the document, which was relied upon by the respondent not only to initiate the proceedings but also to impose punishment under the impugned order; and to direct the respondent to provide a copy of the fake certificate alleged to have been produced by the petitioner at the time of entering into service. Thereupon, at the request of the learned Standing Counsel, the matter was adjourned to today. Today, it is represented by the learned Standing Counsel that the original of the certificate produced by the petitioner was already returned to the petitioner, keeping an attested copy of the said fake certificate. But, however, the learned counsel for the petitioner disputed the said statement of returning the original document. Therefore, this Court declines to go into the said controversy at this stage.

4. Heard both the learned counsel and considered the material on record.

5. As the copy of the alleged fake certificate, said to have been produced, sought for by the petitioner was not furnished, the respondent University is directed to furnish a copy of the said document, which is in its possession, to the petitioner, so as to give the petitioner an opportunity to respond and submit his explanation with reference to the said document. Upon furnishing the copy of the said document, it is open to the

petitioner to submit his explanation, as sought for by the respondent as per show cause notice dated 02.04.2004.

6. The writ petition is accordingly allowed setting aside the impugned order only on the sole ground of non-furnishing the document, which amounts to violation of the principles of natural justice. Accordingly, the respondent is directed to furnish a copy of the disputed document within one week from the date of receipt of a copy of this order; and thereafter, the petitioner is directed to submit his explanation or objections as are available to him under law to the show cause notice, within two weeks. After receipt of the said explanation, the respondent is at liberty to take appropriate decision in the matter in accordance with law. No costs.

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S.Ananda Reddy, J.

06…07…2005
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To

1). The Registrar, Jawaharlal Nehru Technology University, Kukatpally,

Hyderabad

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